

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 PARNELL COLVIN,

4 Plaintiff

5 v.

6 M.J. DEAN CONSTRUCTION, INC.,

7 Defendant

Case No.: 2:20-cv-01765-APG-EJY

**Order Accepting Report and
Recommendation, Granting Motion to
Dismiss in Part, Denying Motion to
Amend, and Granting Leave to File a
Second Amended Complaint**

[ECF Nos. 7, 12, 19]

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10 On April 7, 2021, Magistrate Judge Youchah recommended that I grant in part defendant
11 M.J. Dean Construction, Inc.’s motion to dismiss, deny plaintiff Parnell Colvin’s motion to
12 amend, and grant leave for Colvin to file a proposed second amended complaint. ECF No. 19.
13 No party objected. Thus, I am not obligated to conduct a de novo review of the report and
14 recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo
15 determination of those portions of the report or specified proposed findings to which objection is
16 made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the
17 district judge must review the magistrate judge’s findings and recommendations de novo *if*
18 *objection is made*, but not otherwise” (emphasis in original)).

19 I THEREFORE ORDER that Magistrate Judge Youchah’s report and recommendation
20 **(ECF No. 19) is accepted**, defendant M.J. Dean Construction, Inc.’s motion to dismiss **(ECF**
21 **No. 7) is GRANTED in part**, and plaintiff Parnell Colvin’s motion to amend **(ECF No. 12) is**
22 **DENIED**.
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1 I FURTHER ORDER that by May 28, 2021, Parnell Colvin may file a second amended
2 complaint consistent with Magistrate Judge Youchah's report and recommendation.

3 DATED this 27th day of April, 2021.

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5 ANDREW P. GORDON
6 UNITED STATES DISTRICT JUDGE
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